

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VERLENA SEXTON-WALKER,

Plaintiff,

vs.

CUNA MUTUAL INSURANCE GROUP,

Defendant.

Case No. 10-15146

HON. GEORGE CARAM STEEH

ORDER OVERRULING PLAINTIFF'S OBJECTION (# 47)
TO MAGISTRATE JUDGE'S MAY 18, 2012 ORDER (# 46)

Plaintiff Verlena Sexton-Walker, acting *pro se*, filed an objection to Magistrate Judge Michael Hluchaniuk's May 18, 2012 order denying her motion for leave to file sur-reply and her motion for oral argument. Plaintiff objects to Magistrate Judge Hluchaniuk's denial of her motion for leave to file a sur-reply in response to defendant's reply supporting its motion for summary judgment. Plaintiff argues the sur-reply should be considered as additional briefing as the court has denied oral argument. She argues it should be allowed in order "to alleviate obstruction of justice." A district court shall consider objections to a magistrate judge's non-dispositive orders, and shall modify or set aside any portion of the orders found to be clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). A ruling is clearly erroneous if, upon review of the record, the district court is left with a definite and firm conviction that a mistake has been made. Patterson v. Heartland Industrial Partners, LLP, 225 F.R.D. 204, 205 (N.D. Ohio 2004) (quoting United States v. Hurst, 228 F.3d 751, 756 (6th Cir.2000)). Here, Magistrate Judge Hluchaniuk found that "there is more than adequate

briefing on the issues in this case by both sides.” The parties filed competing motions for summary judgment covering the issues in the case. While plaintiff argues her sur-reply should be considered, she does not explain in her objection why the current briefing is inadequate. Accordingly,

Plaintiff’s objection is OVERRULED.

SO ORDERED.

Dated: May 29, 2012

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 29, 2012 by electronic and/or ordinary mail and also to Verlena Sexton-Walker at 4714 Saint Clair St., Detroit, MI 48214.

S/Marcia Beauchemin
Deputy Clerk